

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KANSAS M. WENTZ, NYKOLE
WENTZ, HAILLY WENTZ, and WAYNE
WENTZ, II, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TRACI WENTZ,

Respondent-Appellant.

UNPUBLISHED

October 12, 2006

No. 269073

St. Clair Circuit Court

Family Division

LC No. 98-004341

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent contends that the trial court erred in finding that clear and convincing evidence supported termination of her parental rights. We disagree. It is not disputed that three of the children suffered sexual abuse by their father while in respondent's care, and that the father was convicted and incarcerated as a result. Though respondent now denies knowledge of the abuse, the evidence indicates that respondent was aware of, and even played a role in, some of the incidents of abuse. In addition, respondent had previously permitted a boyfriend access to the children, resulting in two of the children being sexually abused by the boyfriend.

In sum, contrary to respondent's contentions, ample evidence was presented from which the trial court could find that three of the children had suffered sexual abuse, that respondent had the opportunity to prevent the sexual abuse but failed to do so, and that there is a reasonable likelihood that the children will suffer abuse in the foreseeable future if placed in respondent's home. MCL 712A.19b(3)(b)(ii). Given this evidence, the trial court also did not clearly err in finding that respondent failed to provide proper care or custody for the children and that there is no reasonable expectation that respondent will be able to provide proper care and custody within a reasonable time. MCL 712A.19b(3)(g). To the contrary, the record supports the trial court's finding that, based on respondent's conduct, there is a reasonable likelihood that the children will be harmed if returned to respondent's home. MCL 712A.19b(3)(j). The trial court therefore did

not clearly err in finding that clear and convincing evidence warranted termination of her parental rights, *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005), or that such termination was not clearly contrary to the best interests of the children, *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder